



General Assembly

February Session, 2010

***Amendment***

LCO No. 3317

**\*HB0525203317HD0\***

Offered by:  
REP. LAWLOR, 99<sup>th</sup> Dist.

To: House Bill No. 5252

File No. 69

Cal. No. 59

***"AN ACT CONCERNING THE PRETRIAL ALCOHOL EDUCATION  
PROGRAM AND THE PRETRIAL DRUG EDUCATION PROGRAM."***

1 Strike sections 1 and 2 in their entirety and substitute the following  
2 in lieu thereof:

3 "Section 1. Section 54-56g of the 2010 supplement to the general  
4 statutes is repealed and the following is substituted in lieu thereof  
5 (*Effective July 1, 2010*):

6 (a) There shall be a pretrial alcohol education program for persons  
7 charged with a violation of section 14-227a, 14-227g, 15-132a, 15-133,  
8 15-140l or 15-140n. Upon application by any such person for  
9 participation in such [system] program and payment to the court of an  
10 application fee of one hundred dollars and a nonrefundable evaluation  
11 fee of one hundred dollars, the court shall, but only as to the public,  
12 order the court file sealed, provided such person states under oath, in  
13 open court or before any person designated by the clerk and duly  
14 authorized to administer oaths, under penalties of perjury that: (1) If  
15 such person is charged with a violation of section 14-227a, such person

16 has not had such [system] program invoked in such person's behalf  
17 within the preceding ten years for a violation of section 14-227a, (2) if  
18 such person is charged with a violation of section 14-227g, such person  
19 has never had such [system] program invoked in such person's behalf  
20 for a violation of section 14-227a or 14-227g, (3) such person has not  
21 been convicted of a violation of section 53a-56b or 53a-60d, a violation  
22 of subsection (a) of section 14-227a before or after October 1, 1981, or a  
23 violation of subdivision (1) or (2) of subsection (a) of section 14-227a on  
24 or after October 1, 1985, and (4) such person has not been convicted in  
25 any other state at any time of an offense the essential elements of  
26 which are substantially the same as section 53a-56b or 53a-60d or  
27 subdivision (1) or (2) of subsection (a) of section 14-227a. Unless good  
28 cause is shown, a person shall be ineligible for participation in such  
29 pretrial alcohol education [system] program if such person's alleged  
30 violation of section 14-227a or 14-227g caused the serious physical  
31 injury, as defined in section 53a-3, of another person. The application  
32 fee imposed by this subsection shall be credited to the Criminal  
33 Injuries Compensation Fund established by section 54-215. The  
34 evaluation fee imposed by this subsection shall be credited to the  
35 pretrial account established under section 54-56k, as amended by this  
36 act.

37 (b) The court, after consideration of the recommendation of the  
38 state's attorney, assistant state's attorney or deputy assistant state's  
39 attorney in charge of the case, may, in its discretion, grant such  
40 application. If the court grants such application, the court shall refer  
41 such person to the Court Support Services Division for assessment and  
42 confirmation of the eligibility of the applicant and to the Department  
43 of Mental Health and Addiction Services for evaluation. The Court  
44 Support Services Division, in making its assessment and confirmation,  
45 may rely on the representations made by the applicant under oath in  
46 open court with respect to convictions in other states of offenses  
47 specified in subsection (a) of this section. Upon confirmation of  
48 eligibility and receipt of the evaluation report, the defendant shall be  
49 referred to the Department of Mental Health and Addiction Services

50 by the Court Support Services Division for placement in an  
51 appropriate alcohol intervention program for one year, or be placed in  
52 a state-licensed substance abuse treatment program. The alcohol  
53 intervention program shall include a ten-session intervention program  
54 and a fifteen-session intervention program. Any person who enters the  
55 [system] pretrial alcohol education program shall agree: (1) To the  
56 tolling of the statute of limitations with respect to such crime, (2) to a  
57 waiver of such person's right to a speedy trial, (3) to complete ten or  
58 fifteen counseling sessions in an alcohol intervention program or  
59 successfully complete a substance abuse treatment program of not less  
60 than twelve sessions pursuant to this section dependent upon the  
61 evaluation report and the court order, (4) to commence participation in  
62 an alcohol intervention program or substance abuse treatment  
63 program not later than ninety days after the date of entry of the court  
64 order unless granted a delayed entry into a program by the court, (5)  
65 upon completion of participation in the alcohol intervention program,  
66 to accept placement in a substance abuse treatment program upon the  
67 recommendation of a provider under contract with the Department of  
68 Mental Health and Addiction Services pursuant to subsection (f) of this  
69 section or placement in a state-licensed substance abuse treatment  
70 program which meets standards established by the Department of  
71 Mental Health and Addiction Services, if the Court Support Services  
72 Division deems it appropriate, and (6) if ordered by the court, to  
73 participate in at least one victim impact panel. The suspension of the  
74 motor vehicle operator's license of any such person pursuant to section  
75 14-227b shall be effective during the period such person is  
76 participating in [such] the pretrial alcohol education program,  
77 provided such person shall have the option of not commencing the  
78 participation in such program until the period of such suspension is  
79 completed. If the Court Support Services Division informs the court  
80 that the defendant is ineligible for [the system] such program and the  
81 court makes a determination of ineligibility or if the program provider  
82 certifies to the court that the defendant did not successfully complete  
83 the assigned program or is no longer amenable to treatment and such  
84 person does not [pursue] request, or the court denies, program

85 reinstatement under subsection (e) of this section, the court shall order  
86 the court file to be unsealed, enter a plea of not guilty for such  
87 defendant and immediately place the case on the trial list. If such  
88 defendant satisfactorily completes the assigned program, such  
89 defendant may apply for dismissal of the charges against such  
90 defendant and the court, on reviewing the record of the defendant's  
91 participation in such program submitted by the Court Support  
92 Services Division and on finding such satisfactory completion, shall  
93 dismiss the charges. If the defendant does not apply for dismissal of  
94 the charges against such defendant after satisfactorily completing the  
95 assigned program the court, upon receipt of the record of the  
96 defendant's participation in such program submitted by the Court  
97 Support Services Division, may on its own motion make a finding of  
98 such satisfactory completion and dismiss the charges. Upon motion of  
99 the defendant and a showing of good cause, the court may extend the  
100 one-year placement period for a reasonable period for the defendant to  
101 complete the assigned program. A record of participation in such  
102 program shall be retained by the Court Support Services Division for a  
103 period of [seven] ten years from the date [of] the court grants the  
104 application for participation in such program. The Court Support  
105 Services Division shall transmit to the Department of Motor Vehicles a  
106 record of participation in such program for each person who  
107 satisfactorily completes such program. The Department of Motor  
108 Vehicles shall maintain for a period of ten years the record of a  
109 person's participation in such program as part of such person's driving  
110 record. The Court Support Services Division shall transmit to the  
111 Department of Environmental Protection the record of participation of  
112 any person who satisfactorily completes such program who has been  
113 charged with a violation of the provisions of section 15-132a, 15-133,  
114 15-140/ or 15-140n. The Department of Environmental Protection shall  
115 maintain for a period of ten years the record of a person's participation  
116 in such program as a part of such person's boater certification record.

117 (c) At the time the court grants the application for participation in  
118 the pretrial alcohol [intervention] education program, such person

119 shall also pay to the court a nonrefundable program fee of three  
120 hundred fifty dollars if such person is ordered to participate in the ten-  
121 session intervention program and a nonrefundable program fee of five  
122 hundred dollars if such person is ordered to participate in the fifteen-  
123 session intervention program. If the court grants the application for  
124 participation in the pretrial alcohol education program and such  
125 person is ordered to participate in a substance abuse treatment  
126 program, such person shall be responsible for the costs associated with  
127 participation in such program. No person may be excluded from either  
128 program for inability to pay such fee or cost, provided (1) such person  
129 files with the court an affidavit of indigency or inability to pay, (2)  
130 such indigency or inability to pay is confirmed by the Court Support  
131 Services Division, and (3) the court enters a finding thereof. If the court  
132 finds that a person is indigent or unable to pay for a treatment  
133 program, the costs of such program shall be paid [for] from the pretrial  
134 account established under section 54-56k, as amended by this act. If the  
135 court finds that a person is indigent or unable to pay for an  
136 intervention program, the court may waive all or any portion of the fee  
137 for such intervention program. If the court denies the application, such  
138 person shall not be required to pay the program fee. If the court grants  
139 the application [,] and such person is later determined to be ineligible  
140 for participation in such pretrial alcohol education [system] program  
141 or fails to complete the assigned program, the program fee shall not be  
142 refunded. All program fees shall be credited to the pretrial account  
143 established under section 54-56k, as amended by this act.

144 (d) If a person returns to court with certification from a program  
145 provider that such person did not successfully complete the assigned  
146 program or is no longer amenable to treatment, the provider, to the  
147 extent practicable, shall include a recommendation to the court as to  
148 whether a ten-session intervention program, a fifteen-session  
149 intervention program or placement in a state-licensed [alcohol]  
150 substance abuse treatment program would best serve such person's  
151 needs. The provider shall also indicate whether the current program  
152 referral was an initial referral or a reinstatement to the program.

153 (e) When a person subsequently requests reinstatement into an  
154 alcohol intervention program or a substance abuse treatment program  
155 and the Court Support Services Division verifies that such person is  
156 eligible for reinstatement into such program and thereafter the court  
157 favorably acts on such request, such person shall pay a nonrefundable  
158 program fee of one hundred seventy-five dollars if ordered to  
159 complete a ten-session intervention program or two hundred fifty  
160 dollars if ordered to complete a fifteen-session intervention program,  
161 as the case may be. Unless good cause is shown, such fees shall not be  
162 waived. If the court grants a person's request to be reinstated into a  
163 treatment program, such person shall be responsible for the costs, if  
164 any, associated with being reinstated into the treatment program. All  
165 program fees collected in connection with a reinstatement to an  
166 intervention program shall be credited to the pretrial account  
167 established under section 54-56k, as amended by this act. No person  
168 shall be permitted more than two program reinstatements pursuant to  
169 this subsection.

170 (f) The Department of Mental Health and Addiction Services shall  
171 contract with service providers, develop standards and oversee  
172 appropriate alcohol programs to meet the requirements of this section.  
173 Said department shall adopt regulations, in accordance with chapter  
174 54, to establish standards for such alcohol programs. Any person  
175 ordered to participate in a treatment program shall do so at a state-  
176 licensed treatment program which meets the standards established by  
177 said department. Any defendant whose employment or residence  
178 makes it unreasonable to attend an alcohol intervention program or a  
179 substance abuse treatment program in this state may attend a program  
180 in another state which has standards substantially similar to, or higher  
181 than, those of this state, subject to the approval of the court and  
182 payment of the application, evaluation and program fees and  
183 treatment costs, as appropriate, as provided in this section.

184 (g) The court may, as a condition of granting such application,  
185 require that such person participate in a victim impact panel program  
186 approved by the Court Support Services Division of the Judicial

187 Department. Such victim impact panel program shall provide a  
188 nonconfrontational forum for the victims of alcohol-related or drug-  
189 related offenses and offenders to share experiences on the impact of  
190 alcohol-related or drug-related incidents in their lives. Such victim  
191 impact panel program shall be conducted by a nonprofit organization  
192 that advocates on behalf of victims of accidents caused by persons who  
193 operated a motor vehicle while under the influence of intoxicating  
194 liquor or any drug, or both. Such organization may assess a  
195 participation fee of not more than seventy-five dollars on any person  
196 required by the court to participate in such program, provided such  
197 organization shall offer a hardship waiver when it has determined that  
198 the imposition of a fee would pose an economic hardship for such  
199 person.

200 (h) The provisions of this section shall not be applicable in the case  
201 of any person charged with a violation of section 14-227a while  
202 operating a commercial motor vehicle, as defined in section 14-1.

203 Sec. 2. Section 54-56i of the 2010 supplement to the general statutes  
204 is repealed and the following is substituted in lieu thereof (*Effective July*  
205 *1, 2010*):

206 (a) There is established a pretrial drug education program for  
207 persons charged with a violation of section 21a-267 or 21a-279. The  
208 drug education program shall include a ten-session drug intervention  
209 program, a fifteen-session drug intervention program and a [drug]  
210 substance abuse treatment program.

211 (b) Upon application by any such person for participation in such  
212 program and payment to the court of an application fee of one  
213 hundred dollars and a nonrefundable evaluation fee of one hundred  
214 dollars, the court shall, but only as to the public, order the court file  
215 sealed provided such person states under oath, in open court or before  
216 any person designated by the clerk and duly authorized to administer  
217 oaths, under penalties of perjury, that such person has never had such  
218 program invoked in such person's behalf. A person shall be ineligible

219 for participation in such pretrial drug education program if such  
220 person has previously participated in the eight-session, ten-session or  
221 fifteen-session drug education program, or substance abuse treatment  
222 program established under this section or the pretrial community  
223 service labor program established under section 53a-39c. The  
224 evaluation and application fee [required pursuant to] imposed by this  
225 subsection shall be credited to the pretrial account established under  
226 section 54-56k, as amended by this act.

227 (c) The court, after consideration of the recommendation of the  
228 state's attorney, assistant state's attorney or deputy assistant state's  
229 attorney in charge of the case, may, in its discretion, grant such  
230 application. If the court grants such application, the court shall refer  
231 such person to the Court Support Services Division for confirmation of  
232 the eligibility of the applicant and to the Department of Mental Health  
233 and Addiction Services for evaluation.

234 (d) Upon confirmation of eligibility and receipt of the evaluation  
235 required pursuant to subsection (c) of this section, such person shall be  
236 referred to the Department of Mental Health and Addiction Services  
237 by the Court Support Services Division for placement in the drug  
238 education program. Participants in the drug education program shall  
239 receive appropriate drug intervention services or substance abuse  
240 treatment program services, as recommended by the evaluation  
241 conducted pursuant to subsection (c) of this section, and ordered by  
242 the court. Placement in the drug education program pursuant to this  
243 section shall not exceed one year. Persons receiving substance abuse  
244 treatment program services in accordance with the provisions of this  
245 section shall only receive such services at state licensed substance  
246 abuse treatment program facilities that are in compliance with all state  
247 standards governing the operation of such facilities. Any person who  
248 enters the program shall agree: (1) To the tolling of the statute of  
249 limitations with respect to such crime; (2) to a waiver of such person's  
250 right to a speedy trial; (3) to complete participation in the ten-session  
251 drug intervention program, fifteen-session drug intervention program  
252 or substance abuse treatment program, as recommended by the



253 evaluation conducted pursuant to subsection (c) of this section, and  
254 ordered by the court; (4) to commence participation in the drug  
255 education program not later than ninety days after the date of entry of  
256 the court order unless granted a delayed entry into the program by the  
257 court; and (5) upon completion of participation in the pretrial drug  
258 education program, to accept placement in a treatment program upon  
259 the recommendation of a provider under contract with the Department  
260 of Mental Health and Addiction Services or placement in a treatment  
261 program that has standards substantially similar to, or higher than, a  
262 program of a provider under contract with the Department of Mental  
263 Health and Addiction Services if the Court Support Services Division  
264 deems it appropriate. The [department] Court Support Services  
265 Division shall require as a condition of participation in the drug  
266 education program that any person participating in the ten-session  
267 drug intervention program or the substance abuse treatment program  
268 also participate in the community service labor program, established  
269 pursuant to section 53a-39c, for not less than five days; and that any  
270 person participating in the fifteen-session drug intervention program  
271 also participate in said community service labor program, for not less  
272 than ten days.

273 (e) If the Court Support Services Division informs the court that  
274 such person is ineligible for the program and the court makes a  
275 determination of ineligibility or if the program provider certifies to the  
276 court that such person did not successfully complete the assigned  
277 program and such person did not [pursue] request, or the court  
278 denied, reinstatement in the program under subsection (i) of this  
279 section, the court shall order the court file to be unsealed, enter a plea  
280 of not guilty for such person and immediately place the case on the  
281 trial list.

282 (f) If such person satisfactorily completes the assigned program,  
283 such person may apply for dismissal of the charges against such  
284 person and the court, on reviewing the record of such person's  
285 participation in such program submitted by the Court Support  
286 Services Division and on finding such satisfactory completion, shall

287 dismiss the charges. If such person does not apply for dismissal of the  
288 charges against such person after satisfactorily completing the  
289 assigned program, the court, upon receipt of the record of such  
290 person's participation in such program submitted by the Court  
291 Support Services Division, may on its own motion make a finding of  
292 such satisfactory completion and dismiss the charges. Upon motion of  
293 such person and a showing of good cause, the court may extend the  
294 placement period for a reasonable period for such person to complete  
295 the assigned program. A record of participation in such program shall  
296 be retained by the Court Support Services Division for a period of ten  
297 years from the date [of] the court grants the application for  
298 participation in the program.

299 (g) At the time the court grants the application for participation in  
300 the pretrial drug education program, such person shall pay to the court  
301 a nonrefundable program fee of three hundred fifty dollars if such  
302 person is ordered to participate in the ten-session drug intervention  
303 program or five hundred dollars if such person is ordered to  
304 participate in the fifteen-session drug intervention program. If the  
305 court orders participation in a [drug] substance abuse treatment  
306 program, such person shall be responsible for the costs associated with  
307 such program. No person may be excluded from any such program for  
308 inability to pay such fee or cost, provided (1) such person files with the  
309 court an affidavit of indigency or inability to pay, (2) such indigency or  
310 inability to pay is confirmed by the Court Support Services Division,  
311 and (3) the court enters a finding thereof. The court may waive all or  
312 any portion of such fee depending on such person's ability to pay. If  
313 the court finds that a person is indigent or unable to pay for a  
314 treatment program, the costs of such program shall be paid from the  
315 pretrial account established under section 54-56k, as amended by this  
316 act. If the court denies the application, such person shall not be  
317 required to pay the program fee. If the court grants the application,  
318 and such person is later determined to be ineligible for participation in  
319 such pretrial drug education program or fails to complete the assigned  
320 program, the program [fees] fee shall not be refunded. All [such]

321 program fees shall be credited to the pretrial account established under  
322 section 54-56k, as amended by this act.

323 (h) If a person returns to court with certification from a program  
324 provider that such person did not successfully complete the assigned  
325 program or is no longer amenable to treatment, the provider, to the  
326 extent practicable, shall include a recommendation to the court as to  
327 whether a ten-session drug intervention program, a fifteen-session  
328 drug intervention program or placement in a substance abuse  
329 treatment program would best serve such person's needs. The  
330 provider shall also indicate whether the current program referral was  
331 an initial referral or a reinstatement to the program.

332 (i) When a person subsequently requests reinstatement into a drug  
333 intervention program or a substance abuse treatment program and the  
334 Court Support Services Division verifies that such person is eligible for  
335 reinstatement into such program and thereafter the court favorably  
336 acts on such request, such person shall pay a nonrefundable program  
337 fee of one hundred seventy-five dollars if ordered to complete a ten-  
338 session drug intervention program or two hundred fifty dollars if  
339 ordered to complete a fifteen-session drug intervention program, as  
340 the case may be. Unless good cause is shown, such fees shall not be  
341 waived. If the court grants a person's request to be reinstated into a  
342 [drug] substance abuse treatment program, such person shall be  
343 responsible for the costs, if any, associated with being reinstated into  
344 the treatment program. All program fees collected in connection with a  
345 reinstatement to a drug intervention program shall be credited to the  
346 pretrial account established under section 54-56k, as amended by this  
347 act. No person shall be permitted more than two program  
348 reinstatements pursuant to this subsection.

349 (j) The Department of Mental Health and Addiction Services shall  
350 develop standards and oversee appropriate drug education programs  
351 to meet the requirements of this section and may contract with service  
352 providers to provide such programs. The department shall adopt  
353 regulations, in accordance with chapter 54, to establish standards for

354 such drug education programs.

355 (k) Any person whose employment or residence or schooling makes  
356 it unreasonable to attend a drug intervention program or substance  
357 abuse treatment program in this state may attend a program in another  
358 state that has standards similar to, or higher than, those of this state,  
359 subject to the approval of the court and payment of the program fee or  
360 costs as provided in this section."